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EXAMINER
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ART UNIT	PAPER NUMBER
2175	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/854,635	SALMENKAITA ET AL.
	Examiner	Art Unit
	Neveen Abel-Jalil	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 March 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-62_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-62_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.
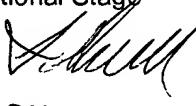
SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _12_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The amendment filed on March 23, 2004 has been received and entered. Claims 51-62

have been newly added. Therefore, claims 1-62 are now pending.

Claim Objections

2.   Claim 55 is objected to because of the following informalities: In claim 55, line 2, the

recitation "The database" should be rewritten in small letters –the database--. Capital letters

should not be used in the claim body. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 1-24, 36-45, 52-53, 57, and –60-62 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

5.   Claim 1 recites the limitation "the database" in "line 8". There is insufficient antecedent

basis for this limitation in the claim. The recitation "searching the database" lacks antecedent

basis since a database has not been previously defined in the claim.

6.   The same deficiencies apply to independent claims 22, and 36.

7.   Claims 2-21, 23-24, 37-45, 52-53, 57, and 60-61 are dependent from rejected claims 1,

22, and 36 above and therefore carry the same deficiencies.

8.   Claim 62 recites the limitation "the metadata vector" in "line 1". There is insufficient

antecedent basis for this limitation in the claim. The recitation "wherein the metadata vector"

lacks antecedent basis since a meta data vector or how it is calculated or by what means has not

been previously defined in the claim.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 1-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Robarts et al.

(U.S. Pub. No. 2002/0083025 A1).

        As to claims 1, 22, and 25, Robarts et al. discloses a method to enable a wireless device

to provide recommendations to its user that are appropriate to the device's current environment

(See page 3, paragraphs 0048-0049), comprising:

        a processor (See page 3, paragraph 0048);

a memory coupled to the processor (See pages 6-7, paragraphs 0074-0075), programmed to:

receiving sensor signals characterizing a current environment of the wireless device (See page 3, paragraphs 0051-0052);

processing the sensor signals with a context inference engine (See page 4, paragraph 0054, also see page 6, paragraph 0069);

outputting a current context result from the processing by the context inference engine (See pages 2-3, paragraph 0044);

forming a context-activity pair by selecting an activity and pairing it with the current context result (See page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

searching a database of recommendations using the context-activity pair (See page 19, paragraph 0182, also see pages 22-23, paragraph 0204); and

providing recommendations to the user in response to the searching step (See page 19, paragraph 0182).

As to claims 2, and 23, Robarts et al. discloses wherein the processing of the sensor signals with a context inference engine is embodied as programmed instructions executed within the user's wireless device (See page 4, paragraphs 0056-0057, also see page 10, paragraph 0100).

As to claim 3, and 24, Robarts et al. discloses wherein the processing of the sensor signals with a context inference engine is embodied as programmed instructions executed within

a separate network server in response to signals from the user's wireless device (See page 11,

paragraph 0108).

As to claim 4, Robarts et al. discloses wherein the sensor signals are selected from the

group consisting of positioning signals, touch signals, audio signals, compass signals, ambient

light signals, ambient temperature signals, three-axis acceleration signals, time signals, and the

device's operational mode signals (See pages 4-5, paragraphs 0058-0059, also see page 23,

paragraph 0211, and see page 12, paragraph 0110).

As to claim 5, Robarts et al. discloses wherein the wireless device offloads a portion of

the processing of the sensor signals to a context inference engine to the server (See page 10,

paragraphs 0099).

As to claim 6, Robarts et al. discloses wherein the selecting of an activity is automatically

performed in the wireless device (See page 24, paragraph 00216, also see pages 25-26,

paragraphs 0223-0224).

As to claim 7, Robarts et al. discloses wherein the selecting of an activity performed by

the user in the wireless device (See page 1, paragraph 0005, also see pages 2-3, paragraph 0044).

As to claim 8, <u>Robarts et al.</u> discloses wherein the signals from the user's wireless device

are sent to the server without any user identification (See page 7, paragraph 0079, also see page

10, paragraph 0100, also see page 23, paragraphs 0210-0211).

As to claims 9, and 37, <u>Robarts et al.</u> discloses which further comprises:

providing the recommendation in a separate server in response to context-activity pair

information received at the server from the user's wireless device (See page 26, paragraphs 0226-

0227).

As to claims 10, 20, and 38, <u>Robarts et al.</u> discloses which further comprises:

maintaining the database as a context-activity pair database by the server (See pages 13-

14, paragraphs 0133-0138);

associating in the database the context-activity pair information with appropriate

recommendations made in the past to many users (See page 28, paragraph 0245, also see page

28, paragraph 0247, and see page 31, paragraph 0280).

As to claims 11, and 39, <u>Robarts et al.</u> discloses which further comprises:

making new recommendations to the user in response to the context-activity pair

information submitted by the wireless device (See page 4, paragraphs 0056-0057); and

gathering the new recommendations and adding them to the database (See page 33,

paragraphs 0316-0317, also see page 30, paragraph 0265);

whereby the variety, quality and pertinence of the recommendations in the database

grows as the recommendation system is used (See pages 30-31, paragraphs 0267-0271).

As to claims 12, 29, and 40, Robarts et al. discloses which further comprises:

compiling statistical usage information about the recommendations and storing the usage

information in the database (See pages 23-24, paragraph 0211, also see page 26, paragraph 0227,

and see page 29, paragraph 0259) .

As to claims 13, 30, and 41, Robarts et al. discloses which further comprises:

providing the statistical usage information to the wireless device accompanying the

recommendations (See page 13, paragraph 0118).

As to claims 14, 31, and 42, Robarts et al. discloses which further comprises:

filtering the recommendations received at the wireless device by using the statistical

usage information accompanying the recommendations (See page 6, paragraph 0069, also see

page 33, paragraph 0316, and see page 13, paragraph 0118).

As to claims 15, and 43, Robarts et al. discloses wherein said providing step further

comprises:

filtering the recommendations at the wireless device using statistical usage information

associated with the recommendations (See page 6, paragraph 0069, also see page 33, paragraph

0316).

As to claims 16, 32, and 44, <u>Robarts et al.</u> discloses wherein said providing step further comprises:

accessing a history log of previous recommendations provided to the user (See page 32, paragraph 0301, also see page 32, paragraph 0312);

filtering new recommendations from the previous recommendations and providing the new recommendations to the user (See page 6, paragraph 0069, also see page 33, paragraph 0316).

As to claims 17, 33, and 45, <u>Robarts et al.</u> discloses wherein said providing step further comprises:

accessing a history log of previous recommendations provided to the user (See page 32, paragraph 0301, also see page 32, paragraph 0312), including ratings of the previous recommendations (See page 31, paragraphs 0275-0276);

filtering recommendations using the ratings and providing the filtered recommendations to the user (See page 31, paragraphs 0275-0276).

As to claims 18, and 34, <u>Robarts et al.</u> discloses which further comprises:

providing the recommendations to an application program (See pages 6-7, paragraphs 0074-0077, also see page 4, paragraph 0057).

As to claim 19, <u>Robarts et al.</u> discloses which further comprises:

providing to the user control over the privacy of the user's information within the network

server (See page 6, paragraph 0066, and see page 22, paragraph 200, also see pages 22-23,

paragraphs 0204-0206).

As to claim 21, Robarts et al. discloses which further comprises:

making new recommendations to the user in response to the context-activity pair

information submitted by the wireless device (See page 4, paragraphs 0056-0057); and

gathering the new recommendations and adding them to the database (See page 33,

paragraphs 0316-0317, also see page 30, paragraph 0265) without any personal information

about the user (See page 6, paragraph 0066, and see page 22, paragraph 200, also see pages 22-

23, paragraphs 0204-0206).

As to claim 26, Robarts et al. discloses a system to provide recommendations to the user

of a wireless device that is appropriate to the device's current environment (See page 22,

paragraph 0200), comprising:

a sensor in the wireless device for providing sensor signals characterizing a current

environment of the wireless device (See page 3, paragraphs 0051-0052);

a processor coupled to the sensor, for forming pair information by selecting an activity

and pairing it with current sensor information derived from said sensor signals (See page 6,

paragraph 0069-0071);

a context inference engine in the server coupled to the wireless device (See page 3,

paragraph 0049), for processing the current sensor information, said context inference engine

providing a current context result from the processing (See page 2, paragraph 0043, also see

pages 5-6, paragraph 0064, and see page 15, paragraph 0156);

a database coupled to the context inference engine, for providing recommendations using

the activity and current context activity pair (See page 19, paragraph 0182); and

an output device in the wireless device and coupled to the database, for providing the

recommendations to the user (See page 19, paragraph 0182, also see pages 23-24, paragraph

0211).

As to claim 27, <u>Robarts et al.</u> discloses a business method to enable a wireless device to

provide recommendations to its user that are appropriate to the device's current environment (See

page 22, paragraph 0200), comprising:

characterizing a current environment of the wireless device with a current context result

(See page 3, paragraphs 0051-0052, also see pages 2-3, paragraphs 0044);

forming a context-activity pair by selecting an activity and pairing it with the current

context result (See page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

accessing a database of recommendations using the context-activity pair without

including any user personal data (See page 22, paragraph 0200, wherein "without including any

user personal" reads on "device itself"); and

providing recommendations to the wireless device from the database (See page 19,

paragraph 0182, also see pages 23-24, paragraph 0211).

As to claim 28, <u>Robarts et al.</u> discloses which further comprises:

gathering the new recommendations and adding them to the database without including any user personal data (See page 6, paragraph 0066, and see page 22, paragraph 200, also see pages 22-23, paragraphs 0204-0206).

As to claim 35, Robarts et al. discloses which further comprises:

providing at least portions of the database to a third party service provider (See page 13, paragraph 0118, also see page 23, paragraph 0211, and see page 26, paragraph 0227, and page 29, paragraph 0259).

As to claim 36, Robarts et al. discloses a method to enable a wireless device to provide recommendations to its user that are appropriate to the device's current environment (See page 22, paragraph 0200), comprising:

receiving sensor signals characterizing a current environment of the wireless device (See page 3, paragraphs 0051-0052);

processing the sensor signals with a context inference engine to produce a set of current context results (See pages 2-3, paragraph 0044),

forming a set of context-activity pairs by selecting an activity and pairing it with the set of current context results (See page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

accessing a set of related service history items from a history log (See page 32, paragraph 0301, also see page 32, paragraph 0312);

forming context-activity pair information from the set of current context results and the

set of related service history items (See page 28, paragraph 0245, also see page 28, paragraph

0247, and see page 31, paragraph 0280);

searching a database of recommendations using the context-activity pair information (See

page 19, paragraph 0182, also see pages 22-23, paragraph 0204); and

providing recommendations to the user in response to the searching step (See page 19,

paragraph 0182).

As to claim 46, Robarts et al. discloses a method to enable a wireless device to provide

recommendations to its user that are appropriate to the device's current environment (See page

22, paragraph 0200), comprising:

receiving sensor signals characterizing a current environment of the wireless device (See

page 3, paragraphs 0051-0052);

processing the sensor signals with a context inference engine utilizing adaptive and

continuous learning processes (See page 27, paragraph 0240, also see page 28, paragraphs 0248-

0250, also see page 33, paragraph 0321);

outputting a current context result from the sensor processing by the context inference

engine (See pages 2-3, paragraph 0044);

selecting a user activity and pairing the activity with the current context result to form a

context-activity pair (See page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

searching a database of context-activity pairs in a recommendation system while

maintaining the privacy of the user (See page 6, paragraph 0066, and see page 22, paragraph 200,

also see pages 22-23, paragraphs 0204-0206);

providing recommendations to the user relative to the context-activity pair in response to

the searching step (See page 19, paragraph 0182, also see pages 22-23, paragraph 0204);

filtering the recommendations using an algorithm to identify new and significant

information as new recommendations (See page 6, paragraph 0069, also see page 33, paragraph

0316); and

displaying the new recommendations to the user (See page 31, paragraphs 0275-0276).

As to claim 47, Robarts et al. discloses forming a metadata vector of the sensor signals

for processing in the device or transmission to a server for processing (See page 33, paragraph

0316).

As to claim 48, Robarts et al. discloses establishing a privacy user interface to a privacy

control element enabling the user to set privacy policies related to access to the context inference

engine (See page 6, paragraph 0066, and see page 22, paragraph 200, also see pages 22-23,

paragraphs 0204-0206), and to alert the user that an application program is attempting to register

to receive the user's private context awareness information (See page 22, paragraph 0200, also

see page 23, paragraphs 0205-0206, and page 24, paragraphs 0211-0216, wherein "attempting to

register" reads on "determine whether users are authorized to receive requested information").

As to claim 49, <u>Robarts et al.</u> discloses excluding user personal data from the database of context-activity pairs (See page 22, paragraph 0203, and see page 29, paragraphs 252-254, also see page 31, paragraph 0288).

As to claim 50, <u>Robarts et al.</u> discloses providing context activity pair datasets in the database to third parties for market research (See page13, paragraph 0118, also see page 23, paragraph 0211, and see page 26, paragraph 0227, and page 29, paragraph 0259).

As to claim 51, <u>Robarts et al.</u> discloses a method to enable a wireless device to provide recommendations to its user that are appropriate to the device's current environment, comprising:

receiving sensor signals characterizing a current environment of the wireless device (See page 3, paragraphs 0051-0052);

processing the sensor signals with a context inference engine to produce a set of current context results (See page 4, paragraph 0054, also see page 6, paragraph 0069);

forming a set of context-activity pairs by selecting an activity and pairing it with the set of current context results (See page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

searching a set of related service history items from a history log using the set of context-activity pairs (See page 19, paragraph 0182, also see pages 22-23, paragraph 0204);

forming context-activity pair information from the set of context-activity pair and the set of related service history items (See page 28, paragraph 0245, also see page 28, paragraph 0247, and see page 31, paragraph 0280);

searching a database of recommendations using the context-activity pair information (See

page 6, paragraph 0066, and see page 22, paragraph 200, also see pages 22-23, paragraphs 0204-

0206); and

providing recommendations to the user in response to the searching step (See page 19,

paragraph 0182, also see pages 22-23, paragraph 0204).

As to claim 52, <u>Robarts et al.</u> discloses further comprising:

forming a database of context-activity pairs and related service recommendations in a

remote server (See page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

controlling access of applications to private context information via a privacy control

block (See page 22, paragraph 0200, also see page 23, paragraphs 0205-0206, and page

24, paragraphs 0211-0216, wherein "attempting to register" reads on "determine whether users

are authorized to receive requested information");

matching contact-activity pairs in the database similar to the pair received from the

context inference engine (See page 25, paragraph 0218, and see pages 15-16, paragraphs 0159-

0160); and

providing alternative recommendations to the user for the selection of a context- activity

using a recommendation algorithm in response to the searching step (See page 29, paragraphs

0254-0256, wherein user preference learning "adaptive learning" algorithm is taught to provide

further suggestions to the user, also see page 28, paragraph 0247 indicates user recommendations

based on patterns, and page 30, paragraph 265).

As to claim 53, <u>Robarts et al.</u> discloses wherein the processor further comprises:

forming a database of context-activity pairs and related service recommendations in a remote server (See page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

controlling access of applications to private context information via a privacy control block (See page 22, paragraph 0200, also see page 23, paragraphs 0205-0206, and page 24, paragraphs 0211-0216, wherein "attempting to register" reads on "determine whether users are authorized to receive requested information"); and

providing alternative recommendations to the user for the selection of a context- activity using a recommendation algorithm in response to the searching step (See page 29, paragraphs 0254-0256, wherein user preference learning "adaptive learning" algorithm is taught to provide further suggestions to the user, also see page 28, paragraph 0247 indicates user recommendations based on patterns, and page 30, paragraph 265).

As to claim 54, <u>Robarts et al.</u> discloses comprising:

means for matching contact-activity pairs in the database similar to the pair received from the context inference engines (See page 25, paragraph 0218, and see pages 15-16, paragraphs 0159-0160); and

the output device providing alternative recommendations to the user in response to the context-activity pair (See page 29, paragraphs 0254-0256, wherein user preference learning "adaptive learning" algorithm is taught to provide further suggestions to the user, also see page 28, paragraph 0247 indicates user recommendations based on patterns, and page 30, paragraph 265).

As to claim 55, <u>Robarts et al.</u> discloses further comprises

the database includes context-activity pairs and related service recommendations (See

page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

a privacy control block controlling, access of applications to private context information

(See page 22, paragraph 0200, also see page 23, paragraphs 0205-0206, and page 24, paragraphs

0211-0216, wherein "attempting to register" reads on "determine whether users are authorized to

receive requested information"); and

the output device provides alternative recommendations to the user (See page 29,

paragraphs 0254-0256, wherein user preference learning "adaptive learning" algorithm is taught

to provide further suggestions to the user, also see page 28, paragraph 0247 indicates user

recommendations based on patterns, and page 30, paragraph 265).

As to claim 56, <u>Robarts et al.</u> discloses further comprising:

forming a database of context-activity pairs and related service recommendations (See

page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

controlling access of applications to private context information via a privacy control

block (See page 22, paragraph 0200, also see page 23, paragraphs 0205-0206, and page 24,

paragraphs 0211-0216, wherein "attempting to register" reads on "determine whether users are

authorized to receive requested information"); and

wherein alternative recommendations are provided to the wireless device from the

database for the selection of a context- activity using a recommendation algorithm (See page 29,

paragraphs 0254-0256, wherein user preference learning "adaptive learning" algorithm is taught

to provide further suggestions to the user, also see page 28, paragraph 0247 indicates user

recommendations based on patterns, and page 30, paragraph 265).

As to claim 57, Robarts et al. discloses further comprising:

forming a database of context-activity pairs and related service recommendations (See

page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

controlling access of applications to private context information via a privacy control

block (See page 22, paragraph 0200, also see page 23, paragraphs 0205-0206, and page 24,

paragraphs 0211-0216, wherein "attempting to register" reads on "determine whether users are

authorized to receive requested information");

matching contact-activity pairs in the database similar to the pair received from the

context inference engine (See page 25, paragraph 0218, and see pages 15-16, paragraphs 0159-

0160); and

wherein alternative recommendations are provided to the wireless device from the

database for the selection of a context- activity using a recommendation algorithm (See page 29,

paragraphs 0254-0256, wherein user preference learning "adaptive learning" algorithm is taught

to provide further suggestions to the user, also see page 28, paragraph 0247 indicates user

recommendations based on patterns, and page 30, paragraph 265).

As to claim 58, Robarts et al. discloses further comprising:

forming a database of context-activity pairs and related service recommendations (See

page 21, paragraphs 0193-0197, also see page 1, paragraph 0005);

controlling access of applications to private context information via a privacy control

block (See page 22, paragraph 0200, also see page 23, paragraphs 0205-0206, and page 24,

paragraphs 0211-0216, wherein "attempting to register" reads on "determine whether users are

authorized to receive requested information"); and

wherein alternative recommendations are provided to the user for the selection of a

context activity using a recommendation algorithm (See page 29, paragraphs 0254-0256,

wherein user preference learning "adaptive learning" algorithm is taught to provide further

suggestions to the user).

As to claim 59, <u>Robarts et al.</u> discloses wherein at least one source of services matching

the context-activity pair received from the wireless device (See pages 15-16, paragraphs 0159-

0160).

As to claim 60, <u>Robarts et al.</u> discloses wherein the application program receives

recommendations from application program interfaces for further processing without showing

the recommendation to the user (See page 34, paragraph 0326, claims 4 and 5 language,

specifically claim 5 recitation "without user intervention").

As to claim 61, <u>Robarts et al.</u> discloses wherein new recommendations generated by the

server are added to the database for statistical purposes and expanded user selections (See page

27, paragraphs 0234-0235).

As to claim 62, <u>Robarts et al.</u> discloses wherein the metadata vector represents the current

sensor signals (See page 3, paragraphs 0051-0052);

characterizes the current state of the wireless device, and combined with the user activity

as the context-activity pair (See page 4, paragraph 0054, also see page 6, paragraph 0069).

Response to Arguments

11.   Applicant's arguments filed on March 23, 2004 have been fully considered but they are

not persuasive.

In response to applicant's argument numbered 1 on page 16 that "Robarts et al. applies

computer actions to a user in response to theme activity and <u>Robarts et al.</u> fails to disclose

recommendations in response to context-user activity" is respectfully acknowledged but is not

deemed to be persuasive.

The Examiner respectfully points to <u>Robarts et al.</u> by disclosing computer actions are

generated in response to information from the context clients to be presented to the user is

indication new or modified suggestions on page 25, paragraph 0221, and on pages 16-17,

paragraphs 0164-0166, <u>Robarts et al.</u> teaches the user could be prompted to indicate which

theme layout to be used for the current theme layout, either before or after any of the theme

layouts for the theme have been presented. If user preference information is available (e.g.,

predefined information), such information could also be used in place of an explicit user

indication. See page 20, paragraphs 0187-189, wherein "recommendations" is read on

"reminder related to Bob" indicating the system of Robarts et al. is capable of providing related

information or making recommendation related to the current user environment. On page 28,

paragraph 0247 indicates user recommendations based on patterns as well as page 30, paragraph

265 the teachings if making suggestions based on previous user contexts is disclosed.

In response to applicant's argument numbered 2 on page 16 that "Robarts et al. fails to

disclose a database of recommendations in response to context-user activity" is respectfully

acknowledged but is not deemed to be persuasive.

The Examiner points to the response to argument above and also indicates that this

information is received from the server that stores the past context and user related preference as

taught by Robarts et al. page 13, paragraphs 0133-0134, wherein the computer obviously stores

the theme and attributes related to the user's context in a database local or remote from the

wireless device. Since the user preferences are clearly stored in a device, the invention of

Robarts et al. on page 15, paragraphs 0155, and page 16, paragraph 0161, combines those

preferences with a database of themes to produce selections appropriate to the user's current

environment.

In response to applicant's argument numbered 3 on page 17 that "Robarts et al. fails to

disclose a privacy control function, which revokes access by application programs to private

context information based on user's preference stored in a privacy profile" is respectfully

acknowledged but is not deemed to be persuasive.

The Examiner respectfully points to Robarts et al. page 22, paragraphs 0200-0204 teaches

user preference with respect to privacy controls and sharing of contextual information among

devices and users. And on page 23, paragraphs 0206-0206, Robarts et al. discloses the

applications access being controlled by remote and/or centralized authority and can be stored

within the user profile.

In response to applicant's argument numbered 4 on page 17 that the references Robarts et

al. fail to show certain features of applicant's invention, However, the Examiner respectfully

points to Robarts et al. page 29, paragraphs 0254-0256, wherein user preference learning

"adaptive learning" algorithm is taught to provide further suggestions to the user.

Conclusion

12.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114.

The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
May 30, 2004

SAM RIMELL
PRIMARY EXAMINER